

REMARKS

This Amendment is filed in response to the Office Action of August 5, 2003 in which claims 1-24 were rejected.

Regarding the obviousness rejection of claims 1, 2, 5, 6, 7, 10-12, 15-17 and 20-24 as being unpatentably obvious over Salminen (U.S. 6,463,286) in view of Dobbins et al (U.S. 5,825,772) the Examiner appears to be viewing the switching means of a "second generation partnership project" (evidently meaning GSM) which operates similarly to a radio network controller of the third generation partnership project (3GPP) in order to read the radio network controller of the claims onto the MSC/VLR and MSC/VLR' of Salminen.

However, the radio network controllers of the 3GPP do not perform a switching function analogous to the MSCs of Salminen and GSM. Rather, the core network 12 shown in Fig. 1 of the present disclosure is the part of the third generation partnership project that performs the analogous function to the MSC of the GSM (second generation) system. The Examiner's attention is drawn to the BSS of Fig. 1 of Salminen which is the part of GSM that is comparable to the UTRAN of 3GPP. In other words, a base station subsystem of GSM will include multiple base transceiver stations (BTSs) connected to a base station controller (BSC). The BTSs take care of the radio-related tasks of GSM and provide the connectivity between the network and the mobile station via an air interface. The BTSs of an area such as a medium-sized town are connected to the BSC via an interface called the Abis-interface. The BSC takes care of all the central functions and the control of the subsystem. A large number of BSCs are connected to an MSC via an A-interface. The MSC is very similar to a regular ISDN digital telephone exchange and is accessed by external networks exactly the same way. The major tasks of an MSC are the routing of incoming and outgoing calls

and the assignment of user channels on the A-interface. From a technical perspective, the MSC is just an ordinary ISDN exchange with some modifications specifically required to handle the mobile application. The modifications required for the provision of mobile services affect, in particular, the assignment of user channels toward the BSS, for which the MSC is responsible, and the functionality to perform and control inter-MSC handover.

It will therefore be seen that the GSM architecture is quite different from that claimed in the present application which relates to the 3GPP architecture wherein the radio network controllers are connected to a core network via first standard interface (Iu) and to each other by a second standard interface (Iur) used for facilitating a macrodiversity function (see page 4 of the present disclosure at lines 5-10).

This macrodiversity function permits data to be sent simultaneously via multiple Node Bs to a user equipment. There is nothing like this in GSM. In such a 3GPP environment, the radio network controllers can be from a same vendor or from different vendors. However, because most manufacturers probably opted for a "one cell" approach to admission/congestion control, there was no problem or need to support the provision of RNCs to share load information between cells. But now that approach is changing and there is a problem not seen by others of skill in the art but seen by the present applicants when an operator wants to mix RNCs from different vendors.

As mentioned at page 1 of the present specification at the beginning of the "Discussion of Related Art" section, others have proposed that a source controller can report load information with a common measurement report on the Iur with generic values (0...9) for the uplink and for the downlink. This means that **persons of skill in the art of this specific invention** have proposed that a common measurement report be provided with values

that have the meanings for example 1 = 10% loaded, 4 = 40% loaded, etc. These proposed changes have a problem seen by the present applicants but which problem was not even seen by the others of skill in this specific art.

The present invention solves that problem by showing how to communicate between radio network controllers with a measurement report that, unlike the other proposals, where a mere generic value was proposed, shows how to make a proposed action using an information element indicative thereof. If a mere generic value (0, 1, ..., 9) were used as in the other proposals, it would have no meaning if the RNC vendors were different because each vendor would interpret the generic value differently and such would not be workable.

The additional information element (IE) of the present invention provides for an RNC to suggest a possible reaction. The IE can be used as a flag to signal a meaning in parallel with the generic load parameter. See the example shown at page 5, lines 16-25. The receiving RNC can consider this information in order to alleviate the congestion situation.

Nothing like this is shown in Salminen because Salminen is a GSM system which shows communication between MSCs, not BSSs. The GSM system does not provide any interface between BSSs and there is no possibility of exchange of load info therebetween.

The Dobbins et al reference has nothing whatever to do with sharing load information between radio network controllers and the passages cited by the Examiner do not provide the motivation to modify the GSM system of Salminen (U.S. 6,463,286) to result in the presently claimed invention.

In other words, there is no recognition of the problem described above that was recognized by the present applicants and there is no motivation present in the two references either alone or taken together to make the proposed modification. Even if the

proposed modification were made it would not result in the presently claimed invention.

Withdrawal of the 35 U.S.C. § 103 rejection of claims 1, 2, 5, 6, 7, 10-12, 15-17 and 20-24 is requested.

Regarding the obviousness rejection of claims 3, 4, 8, 9, 13, 14, 18, and 19, the same remarks made above in connection with the obviousness rejection of independent claim 1 also applies here and Salminen does not disclose everything claimed and neither Salminen nor Dobbins show or even suggest either the problem solved by the present invention or its solution, as claimed.

Withdrawal of the 35 U.S.C. § 103 rejection of claims 3, 4, 8, 9, 13, 14, 18, 19 is requested.

The objections and rejections of the Official Action of August 5, 2003, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-24 to issue is solicited.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

/mo
September 26, 2003
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building 5
755 Main Street, PO Box 224
Monroe, Connecticut 06468
(203) 261-1234